RECEIVED
CENTRAL FAX CENTER
AUG 3 0 2006

BENESCH
Friedlander Coplan & Aronoff LLP
Attorneys at Law

88 East Broad Street
Suite 900
Columbus, OH 43215-3506
(614) 223-9300
(614) 223-9330 Fax
www.bfca.com

FAX TRANSMITTAL

Date: August 30, 2006

Deliver fax to: Examiner Cam N. Nguyen

Company: United States Patent & Trademark Office

Fax number: (571) 273-8600

Office number: (571) 272-1357

Sender: Benjamen Kern User ID: 0376

Client/Matter: 24961-4

If you do not receive a complete transmission, please call Chriss: (614) 223-9320

Number of pages (including this page): 5

Message:

Please see the letter dated August 30, 2006 from Attorney Benjamen Kern. Please call should you have any questions.

Thank you.

RECEIVED
CENTRAL FAX CENTER
AUG 3 0 2006

BENESCH
Friedlander Coplan & Aronoff LLP
Attorneys at Law

Benjamen E. Kern
Writer's Direct Dial: (614) 223-9374
Writer's Email: bkern@bfca.com

August 30, 2006

VIA FACSIMILE ONLY
Examiner Cam N. Nguyen
United States Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Re: August 31, 2006 Telephone Interview, 3:00 p.m. EST
U.S. Patent Application
Title: METHOD OF PREPARING COMPOUNDS USING CAVITATION AND COMPOUNDS FORMED THEREFROM
Inventor: Moser, et al.
Serial No.: 09/761,396
Filing Date: January 16, 2001
Our Ref. No.: 24961-5

Dear Examiner Nguyen:

Attached please find an unexecuted Declaration of Dr. William R. Moser, Ph.D., in the above-referenced matter. Professor Moser is a named inventor in the subject application and in the principal reference cited against the subject application, U.S. Patent No. 5,417,956 (the "Moser '956 patent").

As we discussed, Dr. Moser will participate in the interview to answer any questions that you may have regarding the patentable distinctions between the compounds claimed in the subject application and the compounds disclosed in the Moser '956 patent.

I will initiate the call, and will call you at 3:00 p.m. EST at (571) 272-1357 unless you instruct me otherwise. Thank you again for your time and consideration regarding this matter.

Very truly yours,

BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP

Benjamin E. Kern

BEK:cd

Enclosure

cc: Gregory S. Kolocouris

RECEIVED
CENTRAL FAX CENTER
AUG 3 0 2006

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF	:	Moser et al.
FOR	:	METHODS OF PREPARING COMPOUNDS USING CAVITATION AND COMPOUNDS FORMED THEREFROM
SERIAL NO.	:	09/761,396
FILED	:	January 16, 2001
EXAMINER	:	Cam N. Nguyen
ART UNIT	:	1754
CONFIRMATION NO.	:	4778
ATTORNEY DOCKET NO.	:	24961-5

DECLARATION OF DR. WILLIAM R. MOSER, PH.D.

I, Dr. William R. Moser, Ph.D., hereby declare as follows:

1. I am a named inventor in the United States Patent Application entitled "Methods of preparing compounds using cavitation and compounds formed therefrom," and assigned Serial No. 09/761,396 (the "Subject Application").

2. I am also a named inventor in United States Patent No. 5,417,956 (the "Moser '956 patent").

3. The Subject Application discloses and claims metal based materials characterized by, among other things, crystallographic strain of about 0.1 to about 5.0 percent. Crystallographic strain is the strain, or tension, that a crystal is suffering. Crystallographic strain is a structural aspect of the compound being described. In other words, compounds containing crystallographic strain are different structurally from compounds not containing crystallographic strain.

4. The iron oxides disclosed in the Moser '956 patent constitute "crystallites of about 5%." The term "crystallinity" is used to express the portion of a pure metal oxide that is in a single crystalline form where all of the ions are in the correct position in a defined crystal lattice. A designation of 100% crystallinity would

mean that the material is of a single chemical composition, all of the ions are contained in a single crystallographic form, and there is no amorphous material. Thus, a designation of "about 5%" crystallinity merely means that, when examined by transition electron microscopy, only about 5% of the material that could be observed was crystalline, and the remaining material was either amorphous or very fine, inobservable, crystallites.

5. A material may exhibit "crystallinity" without exhibiting "crystallographic strain" of about 0.1 to about 5.0 percent.

6. On information and belief, the iron oxides disclosed in the Moser '956 patent do not exhibit crystallographic strain of about 0.1 to about 5.0 percent.

7. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. §1001) and may jeopardize the validity of the application or any patents issuing thereon.

Date:_____

By: _____
Name: Dr. William R. Moser, Ph.D.